

## REMARKS

### **Election Restriction Requirement**

The Examiner has required restriction of the Applicant's inventions under 35 U.S.C. § 121. The Examiner has identified the following two distinct groups of inventions: group I (drawn to an expandable stent) which is covered by claims 1-27 and group II (drawn to a method for deploying a stent) which is covered by claims 28-36. The Examiner has also required restriction of the species of Figures 4 and 5 and the species of Figure 6.

As noted by the Examiner, Applicant elected to proceed with the examination of the group I inventions and the species of Figures 4 and 5. In response to the Examiner's restriction requirement, Applicant hereby cancels non-elected claims 28-36. Applicant has also added new claims 37-42 which are drawn to the species of Figures 4 and 5. Applicant has also added claims 43-50 which are drawn to the species of Figure 6. Claims 43-50 are currently withdrawn as directed to a non-elected species.

### **35 U.S.C § 103 Claim Rejections**

The Examiner has rejected claims 1-27 under 35 U.S.C. § 103(a) as being unpatentable over Frantzen (U.S. Patent No. 6,042,606) in view of Boatman et al. (U.S. Patent No. 6,464,720). Applicant has carefully considered the Examiner's comments. However, Applicant respectfully submits that the prior art of record does not disclose all of the limitations of Applicant's claims even if the prior art is combined as the Examiner has proposed. Moreover, there is no suggestion or motivation to combine the prior art to achieve Applicant's claimed inventions.

The Examiner argues that Figures 3 and 6 of Frantzen disclose all of the limitations of Applicant's claims except for the key-hole shaped bends. The Examiner also argues that Figure 2 of Boatman et al. discloses key-hole shaped bends. However, neither Frantzen nor Boatman et al. disclose key-hole shaped bends that are "positioned in a staggered arrangement to avoid abutment of the key-hole shaped bends against one another when the stent is in an unexpanded state." Indeed, the Examiner does not even argue that the references disclose this limitation of the claims. Moreover, the Examiner has not explained how it would work to combine

Frantzen and Boatman et al. to achieve Applicant's claimed inventions. Because Frantzen and Boatman et al. fail to disclose key-hole shaped bends that are staggered relative to each other, Applicant's claims are allowable over the prior art of record. Therefore, the Examiner may withdraw the prior art rejections of claims 1 and 16.

The prior art of record also fails to disclose the additional limitations of dependent claims 2-15, 17-27 and 37-50. Because each of these claims incorporate all of the limitations of allowable claims 1 and 16 from which they respectively depend, claims 2-15, 17-27 and 37-50 are also allowable. Therefore, any further arguments that could be made at this time in support of the additional limitations of Applicant's dependent claims would be superfluous and unnecessary. *In re Fine*, 837 F.2d 1071, 1076 (Fed. Cir. 1988); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1555 (Fed. Cir. 1983).

## Conclusion

None of the prior art of record discloses all of the limitations of Applicants' claims. Moreover, there is no suggestion or motivation to combine the prior art to achieve Applicant's claimed inventions. In particular, none of the prior art of record discloses key-hole shaped bends that are staggered relative to each other to avoid abutment of the key-hole shaped bends against one another when the stent is in an unexpanded state. Therefore, Applicant's claims are allowable. Accordingly, Applicant requests reconsideration and allowance of the application.

Respectfully submitted,

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/Richard E. Stanley, Jr./  
Richard E. Stanley, Jr.  
Registration No. 45,662  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200